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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER WONG, BLANCHE	
			ART UNIT 2619	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/997,912

Applicant(s)

DEZONNO ET AL.

Examiner

Blanche Wong

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed October 30, 2007 have been fully considered but they are not persuasive.

With regard to claims 13-17,20, 23-27 and 30, Applicant states that "Rydbeck however does not disclose an agent telephone system, or establish communications between an incoming call and the agent system through an ACD or have a plurality of network interfaces coupled to a plurality of communication networks coupled to an ACD. Amendment, p. 9, para. 2. However, Examiner respectfully disagrees.

If Applicant is arguing an ACD, such a limitation is not recited in the claim because claim 13 is an agent telephone system.

If Applicant is arguing "establish communications ... through an ACD", such a limitation is not recited in the claim.

If Applicant is arguing "... a plurality of communication networks coupled to an ACD" or a plurality of communication networks between a plurality of network interfaces and an ACD, such a limitation is not recited in the claim.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an ACD, through an ACD, coupled to an ACD) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Moreover, Applicant states that "[i]t is not a trivial matter to include the ACD 16 between the agent telephone system and the PSTN". Amendment, p.10, para. 2. Examiner respectfully disagrees. Clearly, Applicant is saying that the invention is to insert an ACD between an agent telephone system and the PSTN. However, claims 13 is an ACD rather than an agent telephone system, comprising: "a microprocessor ... memory ... an agent microphone and agent speaker ... a conversion device ... an input switch multiplexer ... a plurality of network interfaces" Claim 23 is a method performed by the system in Fig. 3 and specifically by the microprocessor in the agent telephone system when there is failure detection. If what Applicant is saying is true, then these claims does not disclose the invention - an ACD or a method performed by the ACD.

Another response to applicant's arguments, the recitation "[i]n combination of an agent telephone system coupled to an automatic call distributor, the automatic call distributor coupled to an external switch the automatic call distributor coupled to an external switch" (claim 13, lines 1-2) has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Additionally, Examiner did not interpret "[i]n combination of an agent telephone system coupled to an automatic call distributor, the automatic call distributor coupled to an external switch ..." as the ACD is between the agent telephone system and the PSTN and directly connected to an agent telephone system and an external switch.

Claim Objections

2. Claims 13 and 23 are objected to because of the following informalities:

With regard to claim 13, Examiner suggests replacing "a conversion device operatively coupled to the agent microphone and the agent speaker, and operatively coupled to the microprocessor" in lines 12-13 with "a conversion device operatively coupled between the agent microphone and the agent speaker, and the microprocessor" or similar language in accordance to Fig. 3.

With regard to claim 13, Examiner suggests replacing "a plurality of network interfaces operatively coupled to the switch multiplexer, each of the plurality of network interfaces operatively coupled to one of the plurality of communication networks coupled to the automatic call distributor and to one of the plurality of input lines of the switch multiplexer" in lines 17-20 with "a plurality of network interfaces operatively coupled between the plurality of communication networks and the plurality of input lines of the switch multiplexer" or similar language in accordance to Fig. 3.

With regard to claim 23, Examiner suggests replacing "each network interface is operatively coupled to one of the plurality of communication networks coupled to the

automatic call distributor, and each network interface is coupled to one of the plurality of input lines of the multiplexer" in lines 17-19 with "each network interface is operatively coupled between the plurality of communication networks and the plurality of input lines of the switch multiplexer" or similar language for clarity.

With regard to claim 23, Examiner suggests replacing "multiplexer" in line 19 with "switch multiplexer" in consistent with claim language in other part of the claim.

With regard to claim 23, Examiner suggests replacing "coupled to" in line 24 with "in communication" or similar language in consistent with "establish communication between a caller of the incoming telephone call and the agent of the agent telephone system through the automatic call distributor over one of the plurality of communication networks" in lines 20-22.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 13-33** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 13, lines 12-13, it is unclear that the conversion device is between the agent microphone and the agent speaker, and the microprocessor.

With regard to claim 13, lines 17-20, and claim 23, lines 17-19, it is unclear that the plurality of network interfaces is between the plurality of communication networks and the plurality of input lines of the switch multiplexer.

With regard to claim 23, it is unclear what "wherein" in line 16 is referring to because this is a method claim. That is, whether it is referring to the step of "controlling selection of one of the plurality of input lines of the switch multiplexer" or the agent telephone system.

5. There is insufficient antecedent basis for this limitation in the claim.

Claim 23, line 26, "the disconnection to the switch multiplexer".

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. **Claims 13-17,20,23-27,30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck et al. (U.S. Pat No. 6,108,562) in view of Masuhiro (Pub No. US2001/0003522 A1).

With regard to claims 13 and 23 (as best understood in view of the Response to argument and 112 rejections above), Rydbeck discloses an *agent telephone system* comprising (with emphasis):

a microprocessor (**controller 160 in Fig. 1, col. 2, line 42**);

memory 220 (**memory 220 in Fig. 1, col. 3, line 31**) operatively coupled to the microprocessor;

an agent microphone and agent speaker (**earphone 130 and microphone 140 in Fig. 1, col. 2, line 41**) for transmission and reception of audio information, respectively;

a conversion device (**interface 230 in Fig. 1, col. 2, line 43**) operatively coupled to the agent microphone and the agent speaker, and operatively coupled to the microprocessor;

an input switch multiplexer (**switch 150 in Fig. 1, col. 2, line 42**) operatively coupled to the microprocessor, the microprocessor configured to control selection (**selects**) (**the controller 160 determines which communication networks 200 are available, col. 3, line 39-41, ... the controller 160 selects one of the communication networks 200 ... via ... the switch 120, col. 3, line 43-47**) of one of a plurality of input lines of the switch multiplexer; and

a plurality of network interfaces (**communication modules 120, col. 2, line 44**) configured to operatively couple one of the plurality of communication networks (**AMPS, DAMPS, GSM, other communication networks, 200 in Fig. 1**) to the plurality of input lines of the switch multiplexer so as to permit communication between a caller and an agent (**each [of the communication modules] contains functionality for effectuating communication between the mobile telephone 100 and a respective one of the plurality of communication networks 200, col. 2, ln. 44-48**).

However, Rydbeck does not expressly teach after detection of a failure of a first communication network through which the incoming telephone call is coupled to the agent telephone system, the disconnected incoming telephone call through a second

communication network, the first and second communication networks utilizing different communication protocol.

Masuhiko disclose after detection of a failure (**congested state in IP network, para. [0041]) (congestion brings about call loss)** of a first communication network (**IP network**) through which the incoming telephone call is coupled to the agent telephone system, the disconnected incoming telephone call through a second communication network (**ISDN network) (call connection by returning ... by way of ISDN, para. [0043])**, the first and second communication networks utilizing different communication protocol (**IP and ISDN**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine after detection of a failure of a first communication network through which the incoming telephone call is coupled to the agent telephone system, the disconnected incoming telephone call through a second communication network, the first and second communication networks utilizing different communication protocol as taught by Masuhiko with the agent telephone system in Rydbeck, in order to provide for continuous communication.

With regard to claims 14 and 15, and 24 and 25, the combination of Rydbeck and Masuhiko discloses the agent telephone system according to claim 13.

Masuhiko further discloses BRI network and interface (**ISDN 11 in Fig. 1**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a BRI network and interface as taught by Masuhiko with the agent telephone system in Rydbeck, in order to provide for ISDN communication.

With regard to claims 16 and 26, the combination of Rydbeck and Masuhiro discloses the agent telephone system according to claim 13.

Masuhiro further discloses a packet-switched based network (**IP network 10 in Fig. 1**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a packet-switched based network as taught by Masuhiro with the agent telephone system in Rydbeck, in order to provide for IP/packet-switched communication.

With regard to claims 17 and 27, the combination of Rydbeck and Masuhiro discloses the agent telephone system according to claim 13.

Masuhiro further discloses a circuit-switched based network (**ISDN 11 in Fig. 1**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a circuit-switched based network as taught by Masuhiro with the agent telephone system in Rydbeck, in order to provide for circuit-switched communication.

With regard to claims 20 and 30, the combination of Rydbeck and Masuhiro discloses the agent telephone system according to claim 13.

Masuhiro further discloses the first (**IP**) and second (**ISDN**) communication networks utilizing different communication protocol:

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine different communication protocol as taught by Masuhiro with the agent telephone system in Rydbeck, in order to provide for different and backup communication.

With regard to cl. 31, Rydbeck further discloses a display operatively coupled to the microprocessor (**a personal computer, col. 3, ln. 55**).

8. **Claims 18 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck and Masuhiro, and further in view of Arndt et al. (Pat No. 6,707,820).

With regard to claims 18 and 28, the combination of Rudbeck and Masuhiro discloses the agent telephone system according to claim 13. However, the combination does not expressly teach a link status indication.

Arndt discloses a link status indication (**link status messages are transmitted between nodes to provide a mechanism to detect link failures in the network, col. 16, lines 36-38**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a link status indication as taught in Arndt in Rydbeck and Masuhiro to detect link failures in a network.

9. **Claims 19 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck and Masuhiro, and further in view of Border et al. (Pub. No. US2002/0133596).

With regard to claims 19 and 29, the combination of Rydbeck and Masuhiro discloses the agent telephone system according to claim 13. However, the combination does not expressly teach a keep alive indication.

Border discloses a keep-alive indication (**keep alive timeout to detect failures, para. [0052]**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a keep-alive indication as taught in Border in Rydbeck and Masuhiro to detect link failures in a network.

10. **Claims 21 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck and Masuhiro, and further in view of Pogossiants et al. (Pub No. US2006/0034262 A1).

With regard to claim 21, the combination of Rydbeck and Masuhiro discloses the agent telephone system of claim 13. However, the combination does not expressly teach a computer having a sound card configured to digitize voice communication.

Pogossiants discloses (**para. [0091]**) a computer (**agent computer 602**) having a sound card (**sound card installed within computer 602**) configured to digitize voice communication (**allows telephone to be used ... as ... an IP telephone**).

At the time of the invention, it would have been obvious to include a computer having a sound card configured to digitize voice communication as taught in Pogossiants in Rydbeck and Masuhiro to enable telephone to be used as an IP telephone.

Pogossiants, para. [0091].

11. **Claims 22 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck and Masuhiro, and further in view of Myer et al. (Pub No. US2002/0181670).

With regard to claims 22 and 33, the combination of Rydbeck and Masuhiro discloses the agent telephone system according to claim 13. However, the combination does not expressly teach a computer having a USB circuit configured to facilitate transmission and reception of serial dial.

Myer discloses (para. [0159]) a computer (**computer terminal 406**) having a USB circuit (**USB connection 404**) configured to facilitate transmission and reception of serial dial (**Telephone handset 402 is connected to computer terminal via USB connection. A call is placed from telephone handset to telephone handset via H.323 gatekeeper...**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a computer having a USB circuit configured to facilitate transmission and reception of serial dial as taught in Myer in Rydbeck and Masuhiro enable transmission and reception of serial data.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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BW

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November 12, 2007

EDAN . ORGAD
SUPERVISORY PATENT EXAMINER

Edan Orgad 11/13/07